

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America

v.

JAMES L. PHELPS

Date of Original Judgment: July 31, 2007

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 06-00279-002

USM No: 05285-003

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

The defendant's guideline range has not been subsequently lowered by the sentencing commission and made retroactive. He was sentenced for a methamphetamine offense, not a crack cocaine offense. In addition, his guideline range was determined by the career offender provision.. so even if his guideline range had been subsequently lowered, he would not be eligible for a reduced sentence.

Except as otherwise provided, all provisions of the judgment dated July 31, 2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: January 19, 2012

/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge

Printed name and title